

Commercial Vehicle Enforcement Quarterly

Summer 2012



Commercial Motor Vehicle Law

With the passing of several segments of Michigan legislation, significant changes have occurred within the laws governing commercial motor vehicles and their drivers.

Legislative changes to affected Public Acts are listed below. This edition of the CMV Quarterly is published to provide assistance in understanding these changes and how they impact commercial vehicle enforcement throughout our state.

Public Act 231

Public Act 231 limits the applicability of the Federal Motor Carrier Safety Regulations (FMCSRs) for certain carriers while engaged in intrastate commerce.

The following subsection of MCL 480.11a was amended:

(3) Except as otherwise provided in this subsection, subsection (1)(b) and sections 5(8) and 6(1) do not apply to a vehicle that is not a commercial motor vehicle as defined in 49 CFR 383.5 and that is operated in intrastate commerce as defined in 49 CFR 390.5. A vehicle to which subsection (1)(b) does not apply under this subsection remains subject to 49 CFR parts 391 through 393.

Definition of a commercial motor vehicle (49 CFR 383.5)

Commercial Motor Vehicle (CMV) means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- (1) Has a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or*
- (2) Has a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or*
- (3) Is designed to transport 16 or more passengers, including the driver; or*
- (4) Is of any size and is used in the transportation of hazardous materials as defined in this section.*

Definition of intrastate commerce (49 CFR 390.5)

Intrastate commerce means any trade, traffic, or transportation in any state which is not described in the term "interstate commerce."

Definition of interstate commerce (49 CFR 390.5)

Interstate commerce means trade, traffic, or transportation in the United States:

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(1) Between a place in a State and a place outside of such State (including a place outside of the United States);

(2) Between two places in a State through another State or a place outside of the United States; or

(3) Between two places in a State as part of trade, traffic, or transportation originating or terminating outside the State or the United States.

Further explanation

PA 231 affects commercial motor vehicles (CMVs) with a gross vehicle weight rating (GVWR), gross combination weight rating (GCVWR), or actual weight (GVW) of 10,001 pounds to 26,000 pounds while operating in intrastate commerce. Carriers operating these CMVs while engaged in intrastate commerce will still be subject to the following FMCSRs;

391 - Driver Qualification

392 - Driving of Commercial Motor Vehicles

393 - Parts and Accessories Necessary for Safe Operation

Specific changes

Carriers operating CMVs meeting the GVWR or GCVWR of 10,001 pounds up to 26,000 pounds while engaged in intrastate commerce will not be required to obtain and/or display a USDOT number. Existing intrastate carriers will not be required to maintain the display of their USDOT number.

In addition, these vehicles are not required to have proof of an annual inspection, and their drivers are exempt from the hours-of service requirements.

Public Act 252



School bus modified to haul Watermelons

Public Act 252 created a definition of a “*Modified Agriculture Vehicle*” and amends the Michigan Vehicle Code to increase the loading maximum for vehicles transporting farm products.

Definition of a Modified Agriculture Vehicle (MCL 257.30c)

A vehicle that satisfies both of the following conditions:

(a) It has been modified from its original use so that the transport of agricultural commodities is the vehicle’s primary purpose.

(b) It is certified by the United States Department of Transportation and United States Environmental Protection Agency for road use before being modified as described in subsection (a).

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A person operating a modified agriculture vehicle shall not exceed a speed of 45 miles per hour as provided for in section 257.627(6), and shall be identified with a reflective device as provided for in section 257.688(g).

Increased Loading Maximum for Vehicles Transporting Farm Products

This act also increases the axle loading maximums under MCL 257.722 subsections (1), (2), (3), and (4) by 10% for vehicles transporting a farm product as defined in section 2 of the Michigan Right to Farm Act, 1981 PA 93, MCL 286.472, from the place of harvest or storage to the first point of delivery on a road in this state.

However, the axle loading maximums as increased under this act do not alter the GVW restrictions set forth in this act. This subsection does not apply to either of the following:

- (a) A vehicle utilizing an interstate highway.
- (b) A vehicle utilizing a road that is subject to seasonal weight restrictions under MCL 257.722 subsection (8) during the time that the seasonal weight restrictions are in effect.

Special Note

If a person operates a vehicle in violation of increased axle loading maximums provided for under section 722(13), the owner or lessee of the vehicle is responsible for a civil infraction and shall pay the civil fine under this subsection that applies to the amount of weight by which the vehicle exceeds the original loading maximum.

Public Act 282

Public Act 282 amended the Michigan Vehicle Code for boat manufactures and eliminated the prohibition of more than three axles on trailers longer than 50 feet.

A combination of a truck and semitrailer or trailer, or a truck tractor, semitrailer, and trailer, or a truck tractor and semitrailer or trailer designed and used to transport boats from the manufacturer are allowed 75 feet in total length as provided for in section 257.719(2)(c).

All semitrailers longer than 50 feet are no longer limited to three axles.

Disclaimer

This publication is distributed to provide updated information about changes to state laws and federal regulations. Please review the appropriate section of law or federal regulation prior to enforcement.